

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

In Re: CATHLEEN A. HELMERT

**CHAPTER 13
NO: 13-12792 JDW**

SECOND MOTION TO MODIFY THE CHAPTER 13 PLAN

COMES NOW, Debtor, CATHLEEN A. HELMERT, in the above styled and numbered cause, by and through undersigned counsel, and files this her Second Motion to Modify the Chapter 13 Plan respectfully showing unto the Court as follows:

1. This Court has jurisdiction over the parties and subject matter pursuant to 28 U.S.C. §1334, and this is a core proceeding pursuant to 28 U.S.C. §157.
2. The Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code in the Northern District of Mississippi on July 9, 2013, in the above styled and numbered proceeding.
3. When the Debtor filed her first Motion to Modify, undersigned counsel only requested that the first mortgage no longer be paid through the plan. Since the Debtor is surrendering her home, the payment to the second mortgage holder needs to cease also. The need to surrender the home has been caused by a significant loss in income as shown on her Amended Schedule I & J, which will be filed by the Debtor.
4. The Debtor proposes to modify her Chapter 13 Plan and submits that the provisions that are to be modified are set forth as follows:
 - a. The claim of Community Trust Bank shall be deleted from the Mortgage Claims to be Paid in Full Over Plan Term section of the Plan.
 - b. The claim of Community Trust Bank shall be added to the Special Claimants portion of the plan with a provision to surrender the collateral.
 - c. Any unpaid deficiency balance after the sale of the house by Community Trust Bank, shall be included in the total amount in the Unsecured Debts section of the plan and shall to be treated as all other general unsecured claims.
 - d. The plan period shall be reduced to 48 months.

- e. The plan payment shall be reduced to the amount required to fund the Plan as modified by the order entered by this Court approving this motion to modify.

5. The Chapter 13 Trustee shall make the necessary adjustments to the plan payment and wage order to comply with the terms of the modified plan.

WHEREFORE, Debtor prays that this Court will enter its Order modifying the Chapter 13 Plan which was confirmed on January 8, 2014 (Dk #45) and substituted plan sheet (Dk #49) and modified by Order of this Court on May 6, 2014 (Dk #55) consistent with the provisions set forth above. Debtor prays for such other, further and general relief to which she may be entitled.

Respectfully submitted,
CATHLEEN A. HELMERT, Debtor

BY: /s/ Robert Gambrell
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CERTIFICATE OF SERVICE

I, ROBERT GAMBRELL, Attorney for the above listed Debtor, do hereby certify that the following have been served with a true and correct copy of the above Second Motion to Modify the Chapter 13 Plan via ECF by electronic delivery:

Henry G. Hobbs, Jr., Acting U. S. Trustee: USTPRegion05.JA.ECF@usdoj.gov
Locke D. Barkley: sbearley@barkley13.com

This the 14th day of May, 2014.

/s/ Robert Gambrell
ROBERT GAMBRELL